

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39069 of 2022**

Arising Out of PS. Case No.-52 Year-2019 Thana- MAHILA PS District- Darbhanga

SANJAY KUMAR JHA S/o Ram Udar Jha R/o village- Machaiya, P.S.-
Sakatpur, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Aarti W/o Sanjay Kumar Jha, D/o Anil Choudhary Resident of
Nadiyami, P.O.- Kurshi, Nadiyami, P.S.- Sakatpur, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, A.P.P.
For the Informant	:	Ms. Vaishnavi Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 11-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 341, 354C, 498A, 504, 506 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The learned counsel for the petitioner at the outset submits that the matter was referred for mediation but the mediation failed. It is next submitted that O.P. has even filed an application seeking divorce under Section 13 of the Hindu Marriage Act.

However, the learned counsel submits that till the



divorce case is not decided or a Court of competent jurisdiction does not fixed its maintenance, the petitioner is willing to maintain the informant by paying an amount of Rs. 8,000/- by way of monthly maintenance which shall commence from 28.07.2023.

Learned counsel for the informant does not dispute the said submission on instruction but submits that the reason for instituting the divorce case was for the reason that the petitioner and his family members started torturing her as they remained childless. The learned counsel next submits that she will WhatsApp the Account Number of the informant on the WhatsApp Number of the learned counsel for the petitioner and the learned counsel for the petitioner submits that he will forward the same to the petitioner so that the amount as agreed commences by way of monthly maintenance from 28.07.2023.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is



pending/successor court in connection with Darbhanga Mahilla
P.S. Case No. 52 of 2019 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

However, it is made clear that informant would be at
liberty to file an application seeking cancellation of the
anticipatory bail order of the petitioner before this Court, in the
event the petitioner for two consecutive months does not credit
the amount as agreed in the account of the informant till a Court
of competent jurisdiction does not fix the maintenance amount.

(Satyavrat Verma, J)

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